

7 DEC 1981

MEMORANDUM FOR: Director of Central Intelligence

THROUGH: Deputy Director of Central Intelligence
Director, Office of Policy and Planning
Director, External Affairs Staff

FROM: Lavon B. Strong
Chairman, Publications Review Board

SUBJECT: The Pre-Publication Review Process

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OGC Has Denied
Release

1. Action Requested: Approve the attached findings of the Working Group that convened to review Publication Review Board (PRB) procedures.

2. Background:

a. Current Procedures

Under [redacted], each Directorate is represented on the PRB and participates in the security review of manuscripts. Central Cover and Security are also represented on the PRB and separately review manuscripts because of their respective special interests in protecting classified information and Agency cover mechanisms.

Manuscripts are distributed to each PRB member and to the PRB Secretariat and Legal Adviser. The latter scan the manuscript to be aware of any obvious classification problems. The six primary PRB members review each manuscript and either rule on classification problems or refer them to experts within the component to research and resolve difficult materials. In particularly difficult cases, all or portions of a manuscript are further distributed to other components within the Directorate. In short, many manuscripts require no more than a cursory review; others require detailed file searches and meticulous research. Subject matter, length, and complexity determine the numbers of people involved in each review.

PRB members forward the results of their review to the PRB Executive Secretary who collates them. Where there is no security objections, the author is notified. If any member identifies a security problem, the manuscript is placed on an agenda for discussion and resolution at a PRB weekly meeting.

Each proposed deletion or change in a manuscript is reviewed at a meeting of the full PRB where final decisions are made, classification authorities assigned, and decisions reviewed by legal counsel. The author is then notified of required changes.

These review procedures grew out of Marchetti vs. U.S., which also set a precedent for completing reviews within 30 days wherever possible. Since Marchetti, other hostile authors [redacted] Philip Agee, [redacted] have tested the Agency's review mechanism severely and often. STAT

These procedures have been examined and reaffirmed at HPSCI hearings in April-May 1980, at a two-day PRB seminar in November 1980, by the SSCI staff in the fall and winter of 1980-81, and by the Inspector General's Report of August 1981.

b. Workload

PRB members are senior officials, ranging in grade from GS-15 to 18. Such seniority is necessary to ensure appropriate experience and knowledge are brought to all PRB decisions, which often involve complex issues with litigation always a serious possibility. PRB responsibility is an additional duty for each member. Senior annuitants with special expertise are occasionally employed to assist in difficult reviews.

The PRB has reviewed 43,000 pages of manuscript since the Board was formally chartered in 1977. It reviewed 13,500 pages in 1980 alone, and the trend is upward. An estimated 2,800 work-hours has been devoted to this process so far in 1981. Of the 175 manuscripts reviewed to date in 1981, 39 have required changes or deletions, and numerous others required research to determine that changes need not be made. The Board reviewed 42 manuscripts in 1977, 62 in 1978, 94 in 1979, 148 in 1980, and 175 as of 1 December 1981. The number of manuscripts requiring changes has also risen steadily over the last five years.

The PRB almost always meets its self-imposed 30-day deadline for completing reviews, a time judged "reasonable" in the Marchetti case. When necessary, the PRB has been able to accommodate authors who require a quick (one or two day) review. Such accommodation is necessary to induce authors who write against publishers' short deadlines to submit their articles.

b. Possible Options

The Working Group considered the following options for streamlining the review process without introducing additional risk of disclosure:

- o Establish one (or two or three) primary reviewer(s) to review all manuscripts.
- o Eliminate the Office of Security and Central Cover from the PRB.
- o Employ annuitants to replace staff officers in reviewing manuscripts.
- o Have the Executive Secretary initially scan manuscripts and then assign primary reviewing responsibility.
- o Review more manuscripts as a whole and consider denial of entire manuscripts rather than undertaking line-by-line review in every case.
- o Continue the current review process.

3. Discussion

OPTION A - Establish one primary reviewer to review all manuscripts.

This option would limit the review to one reviewer with only difficult manuscripts referred to "experts," thus sharply reducing the time spent on each manuscript. However, a primary reviewer or reviewers often could not be aware of the classifiable equities of all Agency components. A broad initial review by all Agency Directorates enables the identification of classified materials that might otherwise be missed. This overlapping review has prevented numerous disclosures.

OPTION B - Eliminate the Security and Central Cover Representative from the PRB. This would reduce the PRB membership from six to four and thus reduce the number of reviewers. The chief disadvantage is that both Security and Central Cover have special expertise in identifying classified items that is not easily transferred to their respective components. Manuscripts likely would still be referred to those offices whether or not they had representatives on the Board.

OPTION C - Employ more annuitants as reviewers. This would free more staff officers from the initial review of manuscripts. Annuitants are already used in cases where they have relevant specialized knowledge. Annuitants lose their currency very rapidly, however, and are unable to recognize the sensitivities of current activities, systems and programs. The historical knowledge of annuitants is useful but it cannot substitute for current knowledge.

OPTION D - Have the Executive Secretary do an initial screening of manuscripts and assign primary review responsibility to components. This could relieve NFAC, DDS&T and DDA from thorough review in cases, for example, where only DDO has the competence to perform the review. The same procedures could be followed in those cases where the DDA, the DDS&T or NFAC had exclusive responsibility for the material in a specific

manuscript. The sheer volume of incoming manuscripts would at times make this impossible. In October 1981, for example, 26 manuscripts were received--more than one per work day. More importantly, in the end the difficult cases still would have to be reviewed by all components to ensure identification of classified materials.

OPTION E - Consider manuscripts initially in their entirety and consider total denial of publication of the subject matter. This could save considerable review time if legally feasible. To illustrate, former counsel to a Senate subcommittee recently submitted a manuscript for review under his Secrecy Agreement with the subcommittee, which had had access to CIA documents. It was quickly obvious that the manuscript was largely classified. By dealing with the committee directly, the PRB hopes to avoid the kind of detailed review that the DDO would normally have to perform in anticipation of defending a case in court, which would require hundreds of hours of file search and certification. The disadvantage is that denying entire manuscripts might be successfully challenged in court.

OPTION F - Continue the current review process. The primary advantage is the thoroughness of the review. The chief disadvantage is that the process diverts considerable time of many people from their primary duties.

4. Conclusion:

The experience of reviewing 521 manuscripts since 1977 persuades the Working Group that a broad overlapping review is necessary to ensure that all Agency equities are represented in identifying classified subject matter. Almost weekly the PRB deals with material to which the majority had no objection until one member or another revealed that it was classified for reasons not known or apparent to the rest.

Everyone involved in the review process regrets the necessity, but all agree it requires unusual thoroughness.

The Working Group also believes, however, that greater efficiency can be achieved by the adoption of Options C, D and E. Thus, with approval of this report, the PRB will proceed as appropriate to:

- o Use annuitants where possible;
- o Initially review manuscripts in their entirety with an eye toward total denial; and
- o Employ the Executive Secretary to screen manuscripts prior to assigning reviewer responsibility.

5. Staff Position:

DDO, DDA, D/NFAC and DDS&T support these findings. [] of STAT the Office of Policy and Planning participated in the Working Group and also supports these findings. The General Counsel also supports these findings and intends to comment separately.

6. Recommendation: Indicate approval of the findings of the Working Group and the proposed modifications to the review process intended to make it more efficient.

[Redacted Signature Box]

STAT

Lavon B. Strong

APPROVAL:

Director of Central Intelligence

(Date)

DISAPPROVAL:

Director of Central Intelligence

(Date)

OPP/PAB/LBStrong:ck (7 Dec 81) [Redacted Box] (EAS 81-2046/1)

Distribution:

- 0 - Addressee
- 1 - D/EAS
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- 1 - DDCI
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STAT

4 November 1981

Executive Order

81-5524

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH: Director, Office of Policy and Planning
Director, External AffairsFROM: Lavon B. Strong
Chief, Public Affairs Branch

SUBJECT: The Pre-Publication Review Process

1. Action Requested: Approve the formation of an interdirectorate working group to examine the efficiency of Publication Review Board (PRB) procedures.

2. Background: At a meeting with Public Affairs officers on 30 April 1981, the DCI expressed his concern that excessive numbers of people might be involved in the PRB review process. He addressed this concern again at his 27 October 1981 weekly staff meeting. The working group would address such concerns by searching for ways to streamline the present procedures without reducing effectiveness. It would, for example, study various options, ranging from establishing an "overlord" to read all manuscripts and refer difficult ones to appropriate offices, to maintaining the current policy of having each manuscript reviewed by representatives from each Directorate.

As Chairman of the PRB, I propose to chair the working group which would include representatives from each Directorate and the Office of General Counsel. If you approve, I will commence this study immediately.

3. Recommendation: Indicate below your approval of this proposed activity.

STAT

Lavon B. Strong

APPROVED:

STAT

Deputy Director of Central Intelligence

Date

DISAPPROVED:

Deputy Director of Central Intelligence

Date